IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 135 OF 2002

Captain Niranjankumar Basak & Anr ...Petitioners

Versus

Director General of Shipping & Ors ...Respondents

.....

Mr. V.M. Parshuram h/f Mr.U.B. Nighot, counsel for Petitioners

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CORAM: B. H. MARLAPALLE, J.

DATED: 25TH FEBRUARY, 2005

P. C.:-

1. A Division Bench of this Court decided writ petition No.3239 of 2001 by order dated 5.2.2002 and directed the petitioner to make an application in the prescribed form to respondent No.1 for starting an institution for imparting training in various courses for Merchant Shipping Ratings Cadets and Officers at the premises at Navi Mumbai. The respondents were directed to inspect the training facilities and other equipments available with the petitioners within two weeks from the date of filing of the petitioners' application and if the facilities were found to be adequate, the respondent No.1 may grant permission to the petitioner to start such courses within one week.

2. The petitioners waited till 20.3.2002 and moved this petition on or about 21.3.2002 circulation was granted for hearing on admission on 27.3.2002, the cognizance was taken by an order dated 2.4.2002 by this Court.

3. However, an affidavit in reply filed by the respondent No.1 states that the formalities having been completed, the requisite permission weres granted on 22.3.2002.

4. As per the petitioners, there is delay of 27 days and the petitioners may be justified in saying so, however, the fact remains that before cognizance was taken of this contempt petition, the requisite permissions have been given and therefore, in any way the cognizance taken of the contempt in fact did not survive as on 27.3.2002.

5. The contempt petition is, therefore, dismissed. Rule discharged.